

Wetlands Bureau Decision Report

Decisions Taken
02/02/2009 to 02/08/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2008-01093 CARINE, JANICE
TUFTONBORO Lake Winnepesaukee

Requested Action:

Excavate 850 sq ft of bank along 33 linear ft of shoreline to construct a 29 ft x 31 ft two slip dug in boathouse, dredge 18 cubic yards from 652 sq ft of lakebed to provide access to the boathouse on Pleasant Island, Lake Winnepesaukee, in Tuftonboro.

Conservation Commission/Staff Comments:

Con Com submitted comments to the file

APPROVE PERMIT:

Excavate 850 sq ft of bank along 33 linear ft of shoreline to construct a 29 ft x 31 ft two slip dug in boathouse, dredge 18 cubic yards from 652 sq ft of lakebed to provide access to the boathouse on Pleasant Island, Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Diversified Marine Construction dated December 29, 2008, as received by DES on December 30, 2008.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
5. All dredged and excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
7. The boathouse shall be a single-story structure; ridgeline not to exceed 18.5 ft in height (Elev. 522.82) above normal high water (Elev. 504.32).
8. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
9. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 2 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 720 feet of frontage along Lake Winnepesaukee.
3. A maximum of 10 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility in combination with existing structures will provide 6 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. Public hearing and field inspection is waived since the applicant is the owner of the entire island with no direct abutters.

-Send to Governor and Executive Council-

2008-01760 HUNT, JOHN B
FITZWILLIAM Upper Damon Reservoir

Requested Action:

Dredge and fill 59,065 sq. ft. of riverine and lacustrine wetlands for repair and replacement of an existing earthen dam on Upper Damon Reservoir with a new roller compacted concrete and earthen dam. Work in jurisdiction consists of 7,688 sq. ft. of new permanent wetlands impacts for the new dam footprint and 51,377 sq. ft. of temporary wetlands impacts for construction access and erosion, turbidity and sedimentation controls.

Inspection Date: 09/18/2008 by William A Thomas, Cws

APPROVE PERMIT:

Dredge and fill 59,065 sq. ft. of riverine and lacustrine wetlands for repair and replacement of an existing earthen dam on Upper Damon Reservoir with a new roller compacted concrete and earthen dam. Work in jurisdiction consists of 7,688 sq. ft. of new permanent wetlands impacts for the new dam footprint and 51,377 sq. ft. of temporary wetlands impacts for construction access and erosion, turbidity and sedimentation controls.

With Conditions:

1. All work shall be in accordance with plans by Dubois & King Inc., plan sheets 2, 5, 6, 7, 8, 9, and 10 of 12 dated October 2008, as received by DES on January 8, 2009 and plan sheet 1 of 12 dated August 2008 and plan sheets 3, 4 and 11 of 12 dated October 2008, as received by DES on February 6, 2009.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. This permit is contingent on approval by the DES Watershed Management Bureau (if applicable).
4. Work shall be done during drawdown and low flow.
5. The project engineer shall monitor the project during construction and final stabilization to assure the work is constructed in accordance with the approved plans and to help assure no water quality violations occur as a result of the construction activities.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Unconfined work within the stream/pond, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
13. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
14. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.

15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
23. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B.
24. A post-construction report documenting the status of the project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
25. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02 (c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The dam reconstruction will maintain the historical wetlands and surface waters and associated wildlife habitat within and adjacent to the pond.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. The existing dam is in disrepair and has been subject to an Administrative Order from the DES Dam Bureau to address the condition of the dam.
7. DES issued an emergency authorization (DES Wetlands Bureau File #2008-00367) to the applicant on March 14, 2008 to breach the dam for safety reasons per an Administrative Order issued by the DES Dam Bureau.
8. The structural requirements for the proposed dam require a larger impact area outside of the existing dam footprint.
9. The Wetlands Bureau approval is contingent on approval by the DES Dam Bureau.
10. The existing dam was built approximately 100 years ago and has been historically maintained. Review of historic USGS maps suggests the dam was constructed between 1887 and 1932.
11. DES Wetlands Bureau staff inspected the site on September 18, 2008. It was observed that the pond was drawn down and it appeared that most of the proposed dam reconstruction would be within the footprint of the existing dam and current dry bed of the pond.
12. The applicant owns the enter approximately 50 acre pond site and surrounding property.
13. The proposed project spans the town lines of Rindge and Fitzwilliam with the majority of the proposed wetlands impacts in the Town of Rindge.
14. The applicant submitted a DES wetlands impact application in both towns (File #2008-00367 and 2008-01760). The applications contained identical information, therefore, the project was reviewed and approved under the newest file number, DES Wetlands Bureau File #2008-01760.
15. The applicant and agents met with DES on July 28, 2008 to discuss issues that needed to be addressed in application and discussed potential ways to reduce construction impacts.
16. The applicant has reduced the permanent project impacts to only 7,688 sq. ft. outside of the existing dam footprint.
17. The project does not require the submittal of compensatory mitigation per Administrative Rule Env-Wt 302.03(c). The

permanent impacts are under 10,000 sq. ft. and the work is to repair/replace an existing dam.

18. DES did not receive any comments from the Rindge or Fitzwilliam Conservation Commissions.

19. DES has not received any comments in opposition to the proposed project.

20. The proposed dam will maintain the historic uses and features of the pond.

21. The applicant/agent has indicated that the new dam is designed to maintain the historic surface water elevation of the pond and surface water flows through the dam.

22. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine and lacustrine resource, as identified under RSA 482-A:1.

2008-02379 PATTERSON, MARIA
TUFTONBORO Lake Winnepesaukee

Requested Action:

Remove an existing 4 ft x 32 ft seasonal pier and 1.5 ft x 4 ft concrete pad, construct a 6 ft x 4 ft concrete pad, and install a 6 ft x 40 seasonal pier on an average of 100 ft of frontage on Cow Island, Lake Winnepesaukee, in Tuftonboro.

APPROVE PERMIT:

Remove an existing 4 ft x 32 ft seasonal pier and 1.5 ft x 4 ft concrete pad, construct a 6 ft x 4 ft concrete pad, and install a 6 ft x 40 seasonal pier on an average of 100 ft of frontage on Cow Island, Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated October 15, 2008, as received by DES on November 4, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only docking structure on this water frontage and all portions of the dock shall be at least from abutting property lines or the imaginary extension of those lines into the water.
4. All portions of the existing seasonal pier shall be completely removed from the jurisdiction of the Wetlands Bureau prior to the installation of the new structures.
5. The seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 35 feet from the shoreline at full lake elevation.
7. No construction, dredge, or fill, may be conducted between May 15th and July 1st in order to avoid impacts to nesting Common Loons, without written permission from the Loon Preservation Committee, located at 183 Lees Mill Rd, in Moultonborough.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(k), projects which impact threatened or endangered species.
2. The applicant has an average of 100 feet of frontage along Lake Winnepesaukee.
3. The proposed 2 slip docking facility will replace a smaller pre-existing 2 slip docking facility.
4. The location of the proposed docking facility will meet the current requirements for setbacks to property lines, whereas the pre-existing facility location encroached upon the setback.
5. The docking facility will be located in close proximity to a documented nesting site for Common Loons.
6. The proposed modifications should have no long term impact on the use of the nest site, however the construction activities themselves could have a short-term impact on the ability of Common Loons to utilize the site, therefore, the permit has been conditioned to prohibit construction activities during the nesting period unless the Loon Preservation Society finds that the nest is not in use.
7. Public hearing is waived with the finding that the project as approved and conditioned will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

2008-02446 LACONIA AIRPORT AUTHORITY
GILFORD 100 Ft. Prime Wetland Buffer

Requested Action:

Impact 16,135 sq. ft. of previously disturbed upland area within the 100' buffer of a prime wetland to provide safety improvements including pavement rehabilitation of taxiway C, install a light system and signs.

Conservation Commission/Staff Comments:

Cons. Comm. has no objections.

Inspection Date: 01/09/2009 by Gino E Infascelli

APPROVE PERMIT:

Impact 16,135 sq. ft. of previously disturbed upland area within the 100' buffer of a prime wetland to provide safety improvements including pavement rehabilitation of taxiway C, install a light system and signs.

With Conditions:

1. All work shall be in accordance with plans by the Steven J. Smith & Assoc., Inc. date November 5, 2008, as received by DES on Nov. 10, 2008.
2. The applicant shall notify in writing the DES Wetlands Bureau and the Conservation Commission of his/her intention to start construction no less than five (5) business days prior to the commencement of construction.
3. The boundaries of the Prime Wetland and the limit of disturbance within the 100 ft. Prime Wetland buffer shall be clearly marked prior to construction, shall be remain marked until construction is complete and the work area is fully stabilized.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. There shall be no further alteration to the Prime Wetland buffer, wetlands or surface waters without amendment of this permit.
11. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
12. The impacts associated with the temporary work shall be restored immediately following construction.
13. Areas having temporary impacts shall be regraded to original contours and stabilized.
14. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.
15. There shall be no dredging, removal, or disturbance of any existing vegetative undergrowth within the prime wetland or 100-foot buffer with the exception of the work area allowed by this permit.
16. A land resource professional shall inspect the project to insure compliance with approved plans and permit conditions prior to completion of the project.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence, which demonstrates that, the project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The 100 ft. upland buffer to the Prime Wetland proposed to be impacted by the project currently being used for the same purposes requested in the application.
6. The engineering plans accurately locate the boundary of the wetlands and prime wetlands.
7. The erosion controls, and stabilization methods will protect the current functions of the prime wetlands.
8. The project as approved and constructed in adherence to the approved plans, erosion controls, and conditions of the permit will have no impacts to the Designated Prime wetland and only temporary impacts within the previously disturbed 100 ft. upland buffer.
9. On Nov. 25, 2008, the DES received a letter from the Town of Gilford Conservation Commission noting no objection to the project.
10. Based on the inspection conducted on Jan. 8, 2009 by the DES Wetlands Bureau, the project involves temporary or minimal environmental impacts and all work in jurisdiction is limited to the 100 ft. upland buffer to the Prime Wetland.
11. As required per RSA 482-A:11, the DES held a public hearing prior to the issuance of a permit regarding the project proposing activity in or within 100 ft. of an area mapped, designated and filed as a prime wetland. The public hearing was held on January 26, 2009 and all comments received were favorable.
12. The project will provide safety improvements including pavement rehabilitation of taxiway C, install a light system and signs.
13. As there are no permanent impacts to any function or value, no mitigation is required under rule Env-Wt 703.01(b)(5) and Env-Wt 302.03(d).
14. Based on findings #1-13 above, there is clear and convincing evidence this proposal will have no loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

MINOR IMPACT PROJECT

2008-00240 PARTNERS FARM LLC
HILLSBOROUGH Black Pond Brook

Requested Action:

Dredge and fill $\pm 15,079$ square feet of palustrine forested wetlands for road and driveway access to a proposed 42-lot subdivision on a ± 453.9 acre parcel (± 315.9 acres of the parcel will remain undeveloped) and retain $\pm 3,287$ square feet of palustrine forested wetland impact for a logging road and bridge crossing on Black Pond Brook for public access to the proposed conservation easement. Preserve approximately ± 93.77 acres of the subject parcel to be deeded in fee simple to the Hillsborough Conservation Commission and preserve ± 18.57 acres of the subject parcel to be held in conservation easement by the Hillsborough Conservation Commission (Hillsborough Tax Map 7, Lot 119).

APPROVE PERMIT:

Dredge and fill $\pm 15,079$ square feet of palustrine forested wetlands for road and driveway access to a proposed 42-lot subdivision on a ± 453.9 acre parcel (± 315.9 acres of the parcel will remain undeveloped) and retain $\pm 3,287$ square feet of palustrine forested wetland impact for a logging road and bridge crossing on Black Pond Brook for public access to the proposed conservation easement. Preserve approximately ± 93.77 acres of the subject parcel to be deeded in fee simple to the Hillsborough Conservation Commission and preserve ± 18.57 acres of the subject parcel to be held in conservation easement by the Hillsborough Conservation Commission (Hillsborough Tax Map 7, Lot 119).

With Conditions:

1. All work shall be in accordance with plans by SVE Associates dated January 29, 2007, and revised through January 22, 2009 as received by the Department on January 27, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision, excluding the remaining ± 247.9 acre parcel located south of Black Pond Brook, shall contain condition # 5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Any future impacts to areas under the jurisdiction of the DES Wetlands Bureau on the remaining ± 247.9 acre parcel including Black Pond Brook will require a full delineation in accordance with Env-Wt 301.01 for the entire parcel.
9. The Starboard Drive, Black Pond Brook Drive and Boathouse Way right-of-way use shall be limited to public access to conservation areas. Change in use shall require a new application and approval by the DES Wetlands Bureau.
10. Work shall be done during low flow conditions.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Culverts shall be laid at original grade.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

Wetland preservation:

19. This permit is contingent upon the execution of a conservation easement to be held by the Hillsborough Conservation Commission on ± 8.77 and ± 9.7 acres as depicted on plans received November 04, 2008.
20. This permit is contingent upon the transfer of ± 25.77 and ± 68 acres to be deeded in fee simple to the Hillsborough Conservation Commission as depicted on plans received November 04, 2008.
21. This permit is contingent on receipt and approval by the DES Wetlands Bureau of the final deed language for the transfer of the ± 25.77 and ± 68 acres prior to the start of construction.
22. This permit is contingent on receipt and approval by the DES Wetlands Bureau of the final conservation easement language for the ± 8.77 and ± 9.7 acre easement areas prior to the start of construction.
23. This permit is contingent upon receipt and approval by the DES Wetlands Bureau of the forestry management plan for conservation areas deeded to or held by the Hillsborough Conservation Commission prior to construction.
24. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
25. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
26. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
27. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
28. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

29. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. In email correspondence dated October 10, 2008 the Environmental Protection Agency indicated the project was approvable under the SPGP.
3. The projects road layout was guided by town road design standards, specifically the requirement of a flat table of 200 feet in either direction of an intersection and a minimum 400-foot road radius.
4. The agent on behalf of the applicant has stated the right-of-ways depicted on plans extending from Starboard Drive, Black Pond Brook Drive and Boathouse Way are a requirement of the Hillsborough subdivision regulations that restrict roads longer than 2,500 linear feet ending in a cul-de-sac and require a provision of a looped road system.
5. The agent on behalf of the applicant has stated that future development of the Starboard Drive, Black Pond Brook Drive and Boathouse Way right-of-ways for road access to additional development is not planned anytime in the foreseeable future.
6. The applicant revised plans to retain the existing logging road within the Boathouse Way right-of-way and logging bridge, at the request of the town, to allow public access to the proposed conservation easement.
7. The applicant's agent has reviewed NRCS Soil Map and GPS data for the area of the abutting property located at the terminus to the Starboard Drive right-of-way and have stated that based on this information they are not aware of jurisdictional areas at this location.
8. Pursuant to Env-Wt 304.09(c), the applicant has provided conceptual plans for development of the remaining ± 247.9 acre parcel located south of Black Pond Brook.
9. Conceptual plans for the remaining ± 247.9 acre parcel located south of Black Pond Brook illustrate a maximum of one additional wetland crossing that may result from the extension of Boathouse Way.
10. The applicant has provided a waiver request per Env-Wt 204.03, to waive the wetland delineation over the remaining ± 315.9 acres located south of Black Pond Brook as required by Env-Wt 304.09(a).
11. The applicant has had a Certified Wetland Scientist walk and GPS survey remaining ± 315.9 acre located south of Black Pond Brook.
12. The agent on behalf of the applicant has stated numerously that the applicant has no intention in the foreseeable future of developing the remaining ± 247.9 acre parcel located south of Black Pond Brook.
13. This permit is conditioned that any future impacts to areas under the jurisdiction of the DES Wetlands Bureau on the remaining ± 247.9 acre parcel including Black Pond Brook will require a full delineation in accordance with Env-Wt 301.01 for the entire parcel.
14. It would be an economic hardship for the owner to have the entire remaining ± 315.9 acre lot delineated in the field.
15. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.09(a).
16. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
17. Mitigation includes the preservation of approximately ± 93.77 acres of the subject parcel to be deeded in fee simple to the Hillsborough Conservation Commission and the preservation of ± 18.57 acres of the subject parcel to be held in conservation easement by the Hillsborough Conservation Commission (Hillsborough Tax Map 7, Lot 119).
18. This permit is conditioned that mitigation approved under this permit shall not be used for additional wetland impacts that may result on this parcel for any reason.
19. This permit is contingent upon receipt and approval by the DES Wetlands Bureau of the final conservation easement language.
20. This permit is contingent upon receipt and approval by the DES Wetlands Bureau of the forestry management plan for the easement areas.
21. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
22. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
23. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2008-00379 PAYNE, DAVID
ELKINS Pleasant Lake

Requested Action:

Request to amend permit to include a seasonal canopy.

APPROVE AMENDMENT:

Amend permit to read: Remove an existing 6 ft x 32 ft seasonal pier and install two 6 ft x 50 ft seasonal piers, each anchored by a 4 ft x 6 ft concrete pad, connected by a 6 ft x 10 ft seasonal walkway, and install 2 seasonal boatlifts with one 9 ft x 22 ft seasonal canopy on an average of 377 ft of frontage on Pleasant Lake, in Elkins.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated February 22, 2008, as received by DES on March 13, 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
4. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. All seasonal structures shall be removed from the lake for the non-boating season.
6. No portion of the docking facility shall extend more than 50 feet from the shoreline at full lake elevation.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 3 slip docking facility.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. The modification of the existing docking facility should have no adverse impact on any endangered or threatened species.
5. The applicant claims an average of 377 feet of shoreline frontage along Pleasant Lake.
6. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2008-00928 LEWIS REALTY TRUST II, KENSINGTON INVESTMET CO
KENSINGTON Unnamed Wetland

Requested Action:

Retain 8,720 sq. ft. of impacts to palustrine forested wetlands dredged to create a 28,220 sq. ft. pond where a 19,500 sq. ft. pond had been approved under NH DES Wetlands permit #1998-02374.

Conservation Commission/Staff Comments:

No comments were received from the Kensington Conservation Commission regarding this after-the-fact application.

APPROVE AFTER THE FACT:

Retain 8,720 sq. ft. of impacts to palustrine forested wetlands dredged to create a 28,220 sq. ft. pond where a 19,500 sq. ft. pond had been approved under NH DES Wetlands permit #1998-02374.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. dated 4/08 (last revised 4/21/08), as received by DES on May 29,

- 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(e).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01197 ALTON, TOWN OF
ALTON Lake Winnepesaukee

Requested Action:

Deny permit request to dredge 14.6 cubic yards within 500 square feet within the bed of Lake Winnepesaukee and fill 100 square feet of wetland to extend an existing culvert 10 feet adjacent to Lake Winnepesaukee, Alton.

DENY PERMIT:

Dredge 14.6 cubic yards within 500 square feet within the bed of Lake Winnepesaukee and fill 100 square feet of wetland to extend an existing culvert 10 feet adjacent to Lake Winnepesaukee, Alton.

With Findings:

1. This is a Minor Impact Project per NH Code of Administrative Rule Env-Wt 303.03(g); Removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters;
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
4. The applicant must provide evidence, which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.

Findings of Fact:

7. The applicant applied for a permit to construct the existing culvert and upgrade the drainage on Bay Hill Road, 1994-1118. The approved plans from HL Turner Group dated June 23, 2004, and received July 21, 1994 indicate that the existing culvert outlet is below the full lake level and there is no area of land above elevation 504.32.
8. The applicant applied to a permit to extend the existing culvert and construct a jetty, 1998-00161. This request was denied on September 8, 1998, as it was not the least impacting alternative.
9. A site inspection conducted by NHDES Wetland Staff April 7, 1998, found that the culvert outlet to be well-vegetated and not subject to erosion.
10. The applicant applied for a permit to rip-rap the outlet of the existing channel and provide plantings and remove the existing 12-inch culvert outlet in the beach area, 2000-1019. It appears this work was never conducted as the 12-inch culvert was located on the 2005 approved plans and no notification was received by the permittee that work was complete in compliance with general condition 3.
11. The applicant applied for a permit to repair and perch the existing town beach and construct a 10 ft x 12 ft picnic area,

2005-01407. This permit required that the permittee provide appropriate diversion of surface water runoff to prevent erosion of the beach, and revegetation of trees shrubs, and ground covers.

12. The plans indicate that the plantings including trees and shrubs shall be installed along the boundary with the proposed culvert.

13. The Department received an application on June 30, 2008, to extend the existing culvert outlet 10 feet closer to the lake and conduct a maintenance dredge of the adjacent dock.

14. Historical research illustrates that the dock associated with the maintenance dredge was neither permitted or grandfathered. The dock was not illustrated on plans or present in the photographs until the 2002 site inspection.

15. The Department requested additional information on September 12, 2008. DES requested that the applicant provide stones to redirect culvert outlet flows away from the unstable beach. The applicant did not address this issue.

16. The letter dated September 12, 2008, further requested that the applicant consider other alternatives to control the sedimentation. The applicant has provided evidence that the vast majority of the sediment is coming from the Route 28A right of way or from overland flow off the existing beach area. Extending the existing culvert will only transfer the deposition area further off the Right-of-Way closer to the lake. 17. The Request for Additional Information dated September 12, 2008 further requested dredge depths and existing lakebed contours. The information provided only indicates the amount of sediment proposed to be removed not the proposed contours of the lakebed.

18. Department Staff met with the project team on December 16, 2008. The applicant noted that they have public safety concerns regarding people falling into this area. Department Staff suggested the installation of a fence to protect against this safety hazard.

19. At the December 16, 2008, meeting and the Site Inspection December 19, 2008, the applicant further noted that they have public safety concerns regarding mosquito borne illnesses. The Department has received no evidence that this wetland has any impact at all on the mosquito population of the town of Alton.

20. NHDES Wetlands Staff conducted a site inspection on December 19, 2008. Site inspection found that none of the green space plantings had been installed and sand has been placed in the area adjacent to the culvert.

21. Site inspection December 19, 2008, also found that the existing retaining wall was not installed as per the approved plans but was much shorter.

22. Site inspection December 19, 2008, found that the outlet of the culvert was not frozen and snowmobile ramps were installed within jurisdiction for access to the lake.

23. The inspection on December 19, 2008, found remnants of herbaceous vegetation within the swale area. Photographs from April of 2008 also indicate remnant vegetation. There is no documentation of the vegetation, as it exists within the growing season. However, it appears that the area is well vegetated within the swale area.

24. The applicant contends that the work associated with this culvert outlet under the 2000, permit was completed. They have stated that riprap exists under the existing sedimentation from the roadway and is eroding as a source of sediment into the lake. This indicates that if proper maintenance of the previously permitted structure had occurred, sediment would not have built up in the area and would not be a source of sediment into the lake.

25. The approval of 2005-01407, included the repair and installation of curbing along the top of the beach. This has not been done although sand bags have been placed along the length of the compromised curbing.

26. The installation of the catch basin with a deep sump does not depend on the extension of the existing culvert and would begin to address the sedimentation issue associated with Bay Hill Road and Route 28A.

Findings in Support of Denial:

27. The application is denied as the proposed project does not meet the public purpose as defined in RSA 482-A.

28. The application is denied in accordance with Env-Wt 302.04(d)(1), as the installation of the sediment trap and compliance with the previous permit curbing replacement and plantings of the green space area would improve the existing situation and not have any direct jurisdictional impacts. Thus, the applicant failed to demonstrate that the alternative proposed is the least impacting to DES Wetlands jurisdiction.

29. The application is denied in accordance with Env-Wt 302.04(d)(2), as the extension of the culvert does not limit the sedimentation into the lake but transfers the sediment closer to the lake.

30. The application is denied in accordance with Env-Wt 302.04(d)(3), as the applicant has failed to provide a clear need for the proposed project, by not providing existing and proposed contours of the lake bottom within the immediate dredge area.

31. The application is denied in accordance with Env-Wt 302.04(e)(2), as the applicant has not addressed lesser impacting alternatives.

Requested Action:

Dredge and fill a total of 9,928 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway with culvert crossings and drainage structures to access a proposed over-55 open-space residential community consisting of 142 duplex units and a clubhouse on a 226.50 acre parcel of land of which 103.29 acres will be placed in a Conservation Easement in perpetuity.

Conservation Commission/Staff Comments:

The Sandown Conservation Commission was represented at the September 11, 2008 site walk, but did not provide further comment on this application.

Inspection Date: 09/11/2008 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 9,928 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway with culvert crossings and drainage structures to access a proposed over-55 open-space residential community consisting of 142 duplex units and a clubhouse on a 226.50 acre parcel of land of which 103.29 acres will be placed in a Conservation Easement in perpetuity.

With Conditions:

1. All work shall be in accordance with plans by Northpoint Engineering, LLC dated Feb. 2008 (last revised 12/18/08), as received by DES on December 22, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Record approved plan with Conservation Easement for each appropriate lot within 30 days from receipt of this decision and submit a certified receipt from the Rockingham County Registry of Deeds to the DES Wetlands Bureau.
6. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on September 11, 2008. Field inspection determined access from Snow Lane would be eliminated per recommendation of NHDES and USEPA.

2008-01527 NH DEPT OF TRANSPORTATION
LEBANON Unnamed Wetland

Requested Action:

Reconstruct the interchange and bridges at exit 20 of Interstate 89 and a new plaza connector impacting 13,826 sq. ft. (909 sq. ft. temporary) of mostly roadside drainage ditches/ palustrine emergent wetlands and approximately 50 feet of riverbank; Construct two detention ponds and swales.

Conservation Commission/Staff Comments:

Cons. Comm. and Upper Valley River Subcommittee of the Conn. River Joint Comm. comments noted in permit conditions.

Inspection Date: 11/04/2008 by Gino E Infascelli

APPROVE PERMIT:

Reconstruct the interchange and bridges at exit 20 of Interstate 89 and a new plaza connector impacting 13,826 sq. ft. (909 sq. ft. temporary) of mostly roadside drainage ditches/ palustrine emergent wetlands and approximately 50 feet of riverbank; Construct two detention ponds and swales. (NHDOT project #11700)

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design and Fay, Spofford & Thorndike dated 05/08, as received by the Department on Aug. 4, 2008.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. The impacts associated with the temporary work shall be restored immediately following construction.
15. The NHDOT work with the Upper Valley Land Trust, the Conn. R. Joint Comm. and Lebanon Planning Office to assess the Twin Rivers Park area for asphalt removal and replanting with native species.
16. Native species to be planted near the detention pond area.
17. NHDOT to work with the NH Dept. of Agriculture to assess the viability of releasing beetles within the project area to help

control purple loosestrife.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The NHDOT has coordinated and modified the project through presentations at the monthly Natural Resource Agency meetings from January 1998 through May 2008.
6. The application notes that consultation with the US Fish and Wildlife Service and NH Fish and Game Dept. indicated that the project will not impact the dwarf wedgemussel.
7. Best management practices are incorporated in the design and in the conditions of the approval, therefore there should be no additional impact to impaired waters.
8. After reviewing the Dredge and Fill application file, the DES finds that this project does not require a Comprehensive Shoreland Protection Act permit per rule Env-Wq 1406.03 (a), as the department has determined the property owner has incurred substantial liabilities in a reasonable, good faith reliance on the absence of a controlling law or regulation, sometimes called vested rights.
9. Mitigation of the impacts to the existing drainage ditches is not required as they or their functions will be replaced with new ditches and two detention ponds as discussed at the May 21, 2008 Natural Resource Agency Meeting held at the NHDOT.
10. Cons. Comm. approves with the conditions that the detention ponds be constructed as partial mitigation and the NHDOT work with the Upper Valley Land Trust, the Connecticut River Joint Comm. and Lebanon Planning Office to assess the Twin Rivers Park area for asphalt removal and replanting with native species.
11. The Upper Valley River Subcommittee of the Conn. River Joint Commissions notes the improvement in flood storage and stormwater management, requests native plantings near the detention pond area, request release of beetles to reduce amount of loosestrife, coordination should be with all parties having an interest in removal of any waste material and notes the problems with varved clays in the area.
12. DES Staff conducted a field inspection of the proposed project on November 4, 2008. Field inspection determined that most of the wetland impact areas are in previously disturbed swales or ditches where the functions will be replaced and the areas will be enlarged significantly as detention ponds.

2008-02367 159 POOR FARM ROAD TRUST, SAMUEL SICHKO
NEW LONDON Lake Sunapee

Requested Action:

Remove an existing seasonal structure and construct a 6 ft x 29 ft piling pier and 6 ft x 35 ft piling pier connected by a 6 ft x 10 ft 6 in walkway in a "4" configuration, drive 8 pilings to support 2 permanent boatlifts, drive 9 pilings for 3 ice clusters, drive 2 pilings to support two 13 ft x 28 ft canopies, and install a seasonal boatlift on an average of 152 ft of frontage on Lake Sunapee, in New London.

DENY PERMIT:

Remove an existing seasonal structure and construct a 6 ft x 29 ft piling pier and 6 ft x 35 ft piling pier connected by a 6 ft x 10 ft 6 in walkway in a "4" configuration, drive 8 pilings to support 2 permanent boatlifts, drive 9 pilings for 3 ice clusters, drive 2 pilings to support two 13 ft x 28 ft canopies, and install a seasonal boatlift on an average of 152 ft of frontage on Lake Sunapee, in New London.

With Findings:

Standards for Approval

1. Pursuant to Rule Env-Wt 101.08 "Boathouse" means a docking facility which has a permanent roof with or without sides covering the boat slip or slips.

2. Pursuant to Rule Env-Wt 101.14 "Canopy" means a seasonal open structure with a flexible fabric roof not able to withstand the expected snow load and without side walls, which is erected to shelter watercraft during the boating season.
3. Rule Env-Wt 101.82 "Seasonal dock or seasonal structure" means a dock or any other structure that is designed and constructed such that the structure and all associated supports can be completely removed from the surface water and its bed during the non-boating season, including but not limited to pipe docks, floating docks, and watercraft lifts.
4. In accordance with Env-Wt 402.08, Canopies shall be constructed so as not to obstruct views from adjacent property or interfere with boating or swimming safety. The fabric covering of a canopy shall be removed from locations over surface waters during seasons of non-use.
5. In accordance with Rule Env-Wt 303.03, Minor Projects, (d) construction or modification of piling supported docking facilities providing less than 5 slips is a minor impact project.
6. In accordance with Rule Env-Wt 402.09, Structures Disallowed, (a) boathouses located in or over the waters shall not be approved.

Findings of Fact

1. On October 29, 2008 the Department received an application to construct a piling supported docking facility on property identified as New London tax map 90, lot 1.
2. This project is classified as a minor impact project per Rule Env-Wt 303.03 (d).
3. The proposal includes the driving of 2 pilings for the purpose of supporting a seasonal canopy.
4. The Department does not permit piling for the sole purpose of supporting a canopy, which by definition as outlined in Rule Env-Wt 101.14, shall be a seasonal structure.
5. The Department does not prohibit the attachment of seasonal canopy supports to legally existing or permitted permanent structures where they are available, provided the seasonal structure is designed to be detached and removed during the non-boating season.
6. The Applicant states in correspondence received by the Department on January 23, 2009, that "This is the exact same way these structures have been installed for many years"
7. Revised wording for Rule Env-Wt 101.82 clarifying that all seasonal structures must be designed with seasonal supports was adopted on February 23, 2008.
8. The Applicant states in correspondence received by the Department on January 23, 2009, that "Env-Wt 402.08 Canopies only requires that the [...fabric covering...shall be removed...] during the non-boating season and does not mention that any supports or framing need to be removed."

Rulings in Support of the Decision

1. Canopies are defined as "seasonal... structures" with "flexible fabric" roofs, not as structures with seasonal flexible fabric roofs, and as such, the frames and supports associated with canopies shall be of seasonal design type.
2. "Seasonal" canopies built or permitted prior to the adoption of the clarified language of Rule Env-Wt 101.82 on February 23, 2008 are not relevant to the interpretation and application of the current rule language.
3. Rule Env-Wt 402.08 does not state that the fabric covers of canopies shall be removed during the non-boating season as claimed by the Applicant. Rule Env-Wt 402.08 states that the cover shall be removed "during seasons of non-use." The definition of seasonal structures specifies that they shall be removed for the "non-boating season". The use of specific and different term with regards to the fabric cover only, as compared to that used relative to all other seasonal structures, indicates that the flexible fabric covers of canopies shall be treated differently than other seasonal structures. The Department finds that absence of specific language relative to the removal of seasonal support frames for canopies indicates that those frames shall meet the same requirements for design and removal as all other seasonal structures. It does not indicate that the canopy support frames are exempted from the removal requirements applicable to all seasonal structures.
4. The Applicant is proposing to construct a permanent roof structure over a boat slip. A permanent roof structure is, by definition, a boathouse. The construction of boathouses is prohibited by Rule Env-Wt 402.09, Structures Disallowed, and, therefore this application is denied.

Requested Action:

Dredge and fill 9,886 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a 20 ft. wide, 900 ft. long driveway, with culvert crossings, to provide improved access for patrons and emergency vehicles to the George H. Muldoon Park.

Conservation Commission/Staff Comments:

No comments on this application were received from the Pelham Conservation Commission. However, the Town of Pelham is the applicant on this project to provide improved access to a municipal park.

APPROVE PERMIT:

Dredge and fill 9,886 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a 20 ft. wide, 900 ft. long driveway, with culvert crossings, to provide improved access for patrons and emergency vehicles to the George H. Muldoon Park.

With Conditions:

1. All work shall be in accordance with plans by TFMoran, Inc. dated October 27, 2008, as received by DES on November 17, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
6. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-02573 CASALETTO, PAUL & GERALDINE
DEERING Oscar Young Pond**

Requested Action:

Dredge and fill \pm 1,000 sq. ft. of Oscar Young Pond Dam bank to rehabilitate an existing spillway.

APPROVE PERMIT:

Dredge and fill \pm 1,000 sq. ft. of Oscar Young Pond Dam bank to rehabilitate an existing spillway.

With Conditions:

1. All work shall be in accordance with plans by HTE Northeast, Inc. dated September 25, 2008, as received by the Department on November 24, 2008.
2. This permit is contingent on DES Dam Bureau approval.
3. All work shall be done in the dry/ frozen conditions/ low water/ or under draw down conditions.
4. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. Machinery shall not be located within surface waters.
6. Machinery shall be staged and refueled in upland areas.
7. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
9. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Post-construction photographs documenting the status of the completed project shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), Projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02.
2. No comments were submitted from federal agencies, the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02575 CONLON, NANCY
SANDOWN Unnamed Wetland

Requested Action:

Dredge and fill a total of 3,490 sq. ft. of palustrine wet meadow on poorly drained soils to construct a roadway to access a 3-lot residential subdivision on a 7.1 acre parcel of land.

Conservation Commission/Staff Comments:

No report or comments on this application were received from the Sandown Conservation Commission

APPROVE PERMIT:

Dredge and fill a total of 3,490 sq. ft. of palustrine wet meadow on poorly drained soils to construct a roadway to access a 3-lot residential subdivision on a 7.1 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated November 11, 2008, as received by DES on November 24, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided

evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2008-02092 MCCONNER FAMILY TRUST, THOMAS CAFFREY TRUSTEE
RYE Tidal Buffer Zone

Requested Action:

Perform construction activities totaling 1,500 sq. ft. in the previously developed upland tidal buffer zone to install a replacement subsurface septic system requiring 1,200 sq. ft. of temporary impact and to construct a 300 sq. ft. addition to the existing dwelling in an area now occupied by a patio. This project will result in an increase of 23 sq. ft. of impervious surface within the tidal buffer zone on this 9,451 sq. ft. lot having 82 linear feet of shoreline frontage.

Conservation Commission/Staff Comments:

No report or comments received on this application from the Rye Conservation Commission.

Inspection Date: 12/13/2008 by Frank D Richardson

Inspection Date: 01/13/2009 by Frank D Richardson

APPROVE PERMIT:

Perform construction activities totaling 1,500 sq. ft. in the previously developed upland tidal buffer zone to install a replacement subsurface septic system requiring 1,200 sq. ft. of temporary impact and to construct a 300 sq. ft. addition to the existing dwelling in an area now occupied by a patio. This project will result in an increase of 23 sq. ft. of impervious surface within the tidal buffer zone on this 9,451 sq. ft. lot having 82 linear feet of shoreline frontage.

With Conditions:

1. All work shall be in accordance with plans by Civil Construction Management, Inc. dated June 2008 (last revised 01/14/09), as received by DES on January 23, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application

Evaluation, has been considered in the design of the project.

2008-02538 UNIVERSITY OF NEW HAMPSHIRE, SERVICE BUILDING
RYE Berry Brook

Requested Action:

Impact 1,500 sq. ft. of subtidal substrate of Berry's Brook to restore native shellfish by hand-placing native shell fragments in no more than four (4) locations downstream of the Brackett Road bridge.

Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 1,500 sq. ft. of subtidal substrate of Berry's Brook to restore native shellfish by hand-placing native shell fragments in no more than four (4) locations downstream of the Brackett Road bridge.

With Conditions:

1. All work shall be in accordance with plans and supplemental information provided by Dr. Gregg E. Moore, University of New Hampshire, Jackson Estuarine Laboratory as received by DES on November 25, 2008.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit allows for hand-placement of native shell only.
4. There shall be no shell placement where submerged aquatic vegetation beds are present pursuant to the request of NOAA, National Marine Fisheries.
5. A copy of the GIS-based site resource map depicting the location of the restoration areas as detailed in the aforementioned supplemental information shall be submitted to DES for tracking purposes within 30-days following commencement of restoration activities.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t) Restoration of altered or degraded wetlands.
2. The restoration of shellfish within Berry's Brook by the University of New Hampshire will be done in cooperation with NH Department of Fish and Game, U.S. Department of Agriculture, Natural Resources Conservation Service ("NRCS").
3. Furthermore, the NRCS, Wetlands Reserve Program supports the project.
4. The goal of the project is to restore shellfish habitat particularly for eastern oyster (*Crassostrea virginica*) and soft-shell clam (*Mya arenaria*), therefore; the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
7. A memo dated November 18, 2008 from NH Natural Heritage Bureau ("NHNHB") identified several exemplary natural communities and rare plant species within the vicinity of the proposed project.
8. DES finds that the proposed project will have no deleterious affects to the exemplary natural communities and rare plant species identified in the above-reference NHNHB memo as the project will enhance the existing, native shellfish population.

2008-02767 APONOVICH REVOC TRUST, MARGARET
RYE Tidal Buffer

Requested Action:

Temporarily impact 1,020 sq. ft. within the previously developed upland tidal buffer zone to extend a municipal water line using directional boring and trenching within the water line easement.

Conservation Commission/Staff Comments:

" The [Rye] Conservation Commission conducted a site walk on Sunday December 21, 2008 Upon review of the proposed plans by the Conservation Commission members they have no concerns."

Inspection Date: 06/05/2008 by Frank D Richardson

APPROVE PERMIT:

Temporarily impact 1,020 sq. ft. within the previously developed upland tidal buffer zone to extend a municipal water line using directional boring and trenching within the water line easement.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. dated 10/08 (last revised 02/03/09), as received by DES on February 04, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. Area shall be regraded to original contours following completion of work.
4. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ae)(1-4), installation of residential utility lines and associated temporary impacts.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2009-00009 YEATON, JAMES
LOUDON Unnamed Stream

COMPLETE NOTIFICATION:
Loudon Tax Map 27, Lot# 1 & 2

2009-00106 BUTLER, DOUGLAS & JEANNE
FRANCESTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Francestown Tax Mp 18, Lot# 12.1 & 12.2

2009-00108 HYATT, THOMAS
HILLSBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Hillsboro Tax Map 4, Lot# 28

2009-00121 TUKCOR REAL ESTATE
DEERFIELD Hartford Brook

COMPLETE NOTIFICATION:
Derryfield Tax Map 419, Lot# 13

2009-00160 CROWTHER, WILLIAM & LORI
CANAAN Unnamed Stream

COMPLETE NOTIFICATION:
Canaan Tax Map 3, Lot# 54 & 54-1

2009-00161 POWERS, JAMES
NEWPORT Unnamed Stream

COMPLETE NOTIFICATION:
Newport Tax Map 51, Lot# 67

2009-00163 MAILHOT, MARK & RACHEL
NORTH STRATFORD Unnamed Stream

COMPLETE NOTIFICATION:
North Stratford Tax Map R25, Lot# 6

2009-00177 WHITE SYLVANIA TRUST, EDWARD HARDING TTEE
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax Map R10, Lot# 35

2009-00178 BICKFORD, DAVID
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham Tax Map 10, Lot# 63 & 64

2009-00179 BURT, EDYTHER
HANCOCK Unnamed Stream

COMPLETE NOTIFICATION:

Hancock Tax Map R13, Lot# 3

2009-00180 BURLEY, JANE
EPPING Unnamed Stream

COMPLETE NOTIFICATION:

Epping Tax Map 11, Lot# 13

2009-00181 TELLMAN, DAVID & TANYA
BETHLEHEM Unnamed Stream

COMPLETE NOTIFICATION:

Bethlehem Tax Map 417, Lot# 2

2009-00182 DRISCOLL, HARRY
BARNSTEAD Unnamed Stream

COMPLETE NOTIFICATION:

Barnstead Tax Map 1, Lot# 50

EXPEDITED MINIMUM

2007-02910 WINDHAM REALTY LTD
WINDHAM Cobbett's Pond

Requested Action:

Temporarily impact 353 square feet within the bed and bank of Cobbetts Pond to rebuild an existing retaining wall and install a 4' x 24' seasonal dock along 60 linear feet of shoreline frontage.

APPROVE PERMIT:

Temporarily impact 353 square feet within the bed and bank of Cobbetts Pond to rebuild an existing retaining wall and install a 4' x 24' seasonal dock along 60 linear feet of shoreline frontage.

With Conditions:

1. All work shall be in accordance with by Edward N. Herbert Assoc. Inc. dated August 2008 and revised on December 30, 2008 as received by DES on January 5, 2009.
2. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the pond for the non-boating season.
5. No portion of the pier shall extend more than 24 feet from the shoreline at full pond elevation.
6. Work on the retaining wall shall be done during drawdown only.
7. Repair shall maintain existing size, location and configuration.

8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. No stumps shall be removed within 50 feet of the reference line per RSA 483-B.
10. Work performed by machinery shall be done from the top of bank only and shall not enter the bed of the pond.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock and Env-Wt 303.04 (c) Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.
2. The applicant has an average of 60 feet of shoreline frontage along Cobbetts Pond.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Less Than 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
5. Pursuant to Env-Wt 303.04, the applicant obtained written concurrence from the abutter identified as Holly Jenkins (Windham Tax Map 17-L Lot 58) for those impacts within 20-feet of the boundary line.

2008-01416 BROWN, JAMES & BEVERLY
MILFORD Unnamed Wetland

Requested Action:

Dredge and fill a total of 3,233 square feet of wetlands to include 2,600 square feet of permanent impacts and 633 square feet of temporary impacts for the construction of a roadway to gain access into a 28-lot residential subdivision on 19.12 acres.

Conservation Commission/Staff Comments:

The Milford Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill a total of 3,233 square feet of wetlands to include 2,600 square feet of permanent impacts and 633 square feet of temporary impacts for the construction of a roadway to gain access into a 28-lot residential subdivision on 19.12 acres.

With Conditions:

1. All work shall be in accordance with the following plans by Stephen J. Riesland:
 - a.) The Subdivision Plans dated October 19, 2007, as received by DES on July 28, 2008; and,
 - b.) The Grading & Drainage Plan (Sheet 3 of 16) dated May 22, 2006 and revised through January 8, 2009, as received by DES on January 12, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for any other construction related activities.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
7. Work shall be done during season low flow conditions.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

10. Wetlands shall be restored to their pre-construction conditions within the catch basin installation area, including restoration of original grades and seeding with New England Wetland Seed Mix, within 5 days of backfill.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting
14. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), as deemed minimum by the Department.
2. The impacts are necessary to alleviate a flooding issue and obtain access to buildable upland; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03, as the impacts have been minimized to the furthest extent practicable.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department finds that this project qualifies as a minimum impact project as the temporary impacts will be restored to their pre-construction state.
6. The Department received a letter from the Town of Milford (the "Town") On October 10, 2008. In this letter, the Town explains the chronic drainage problems on Union Street, particularly describing how the excess storm water freezes on Union Street during the winter months and poses a threat to vehicular safety. "The Town strongly supports this design..."

2008-01697 FORDWAY BROOK DEVELOPMENT LLC, SHANE CARTER
RAYMOND Unnamed Wetland

Requested Action:

Applicant requests to impact 1600 sq. ft. of wetlands for the construction of an overlook drive for a 6 lot subdivision.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Applicant requests to impact 1600 sq. ft. of wetlands for the construction of an overlook drive for a 6 lot subdivision.

With Findings:

1. A request for additional information dated September 23, 2008, addressed to the applicant, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2008-01814 CLAREMONT DPW, CITY OF
CLAREMONT Tributary To Hubbard Brook

Requested Action:

Dredge and fill ± 955 sq. ft. of intermittent stream to slipline an existing 48-inch x 38-foot deteriorated CMP culvert, install riprap apron, construct headwalls and stabilize banks.

APPROVE PERMIT:

Dredge and fill \pm 955 sq. ft. of intermittent stream to slipline an existing 48-inch x 38-foot deteriorated CMP culvert, install riprap apron, construct headwalls and stabilize banks.

With Conditions:

1. All work shall be in accordance with plans by Darrow Civil Engineering dated August 05, 2008, and revised through December 15, 2008, as received by the Department on January 23, 2009.
2. Work shall be done during dry conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
8. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. A post-construction photographs documenting the status of the completed project and stable project site shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), alteration of less than 50 linear feet of an intermittent stream.
2. The Conservation Commission signed the Minimum Impact Expedited Application.
3. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02628 PAC-NH REALTY TRUST
WEARE Unnamed Wetland

Requested Action:

Dredge and fill approximately 2,460 sq. ft. of palustrine forested wetlands for construction of a 5,220 sq. ft. pond.

APPROVE PERMIT:

Dredge and fill approximately 2,460 sq. ft. of palustrine forested wetlands for construction of a 5,220 sq. ft. pond.

With Conditions:

1. All work shall be in accordance with plans by Sanford Surveying and Engineering, dated October 09, 2008, as received by the Department on December 05, 2008.
2. All work shall be done during low flow or frozen conditions.
3. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Machinery shall not be located within surface waters, where practicable.
5. Machinery shall be staged and refueled in upland areas.
6. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
8. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. A post-construction narrative documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p), construction of a pond with less than 20,000 sq. ft. of wetlands impact.
2. The Conservation Commission signed the Minimum Impact Expedited Application.
3. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. The request for project review by the NH Division of Historical Resources has confirmed that no historic resources are present, received November 06, 2008.
5. Pursuant to Env-Wt 303.04(p), the project will not impact very poorly drained soils, streams, prime wetlands and the project does not meet the criteria of Env-Wt 303.02(k).
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02693 THE NATURE CONSERVANCY, RAY KONISKY
DURHAM Oyster River

Requested Action:

Cover 8,100 sq. ft. of river bottom in the Oyster River with seasoned surf clam/ oyster shell mix to restore historic shellfish reef.

APPROVE PERMIT:

Cover 8,100 sq. ft. of river bottom in the Oyster River with seasoned surf clam/ oyster shell mix to restore historic shellfish reef.

With Conditions:

1. All work shall be in accordance with plans by the Nature Conservancy dated 9/12/2008, as received by DES on 12/11/2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. The permittee shall communicate with DES yearly for the life of the permit as to the status of the project's success.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t), restoration of degraded wetlands, and meets the criteria specified Env-Wt 303.04(t)(1)-(4).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. This project proposes to restore a historic oyster reef area, much of which has been lost to siltation.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal was developed by a coordination of the Nature Conservancy and UNH for oyster bed restoration, and is being funded by NOAA Community-based Restoration Program.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Durham Conservation Commission signed the expedited application.

2008-02771 WARD, JAMES
NEW LONDON Drainage Swale

Requested Action:

Fill 385 square feet of abandoned man made drainage ditch for lot development.

APPROVE PERMIT:

Fill 385 square feet of abandoned man made drainage ditch for lot development.

With Conditions:

1. All work shall be in accordance with plans by RCS Designs dated October 20, 2008, as received by the Department on December 22, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be conducted during low water conditions.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f); Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
3. The applicant has demonstrated the wetland proposed to be filled was man made and stormwater it was treating has been diverted to an alternate man made structure. Therefore the structure no longer serves a purpose.

2009-00001 WARNER, TOWN OF
WARNER Schoodac Brook

Requested Action:

Dredge and fill approximately 220 square feet of Schoodac Brook bank to replace an existing temporary Bailey truss bridge (which replaced a 12-foot x 8-foot metal plate culvert that failed in May 2006) with a 27-foot x 70-foot single span bridge Connor's Mill Road.

APPROVE PERMIT:

Dredge and fill approximately 220 square feet of Schoodac Brook bank to replace an existing temporary Bailey truss bridge (which replaced a 12-foot x 8-foot metal plate culvert that failed in May 2006) with a 27-foot x 70-foot single span bridge Connor's Mill

Road.

With Conditions:

1. All work shall be in accordance with plans by Provan & Lorber, Inc. dated November 06, 2008, as received by the Department on January 02, 2009.
2. Work shall be done during annual low flow conditions.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion (if applicable) and erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the DES Wetlands Bureau.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
12. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
13. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
21. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
22. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(h), Installation of a bridge provided that:
 - (1) No work is done in the water or wetland;
 - (2) The fill does not exceed 3,000 sq. ft. of fill on the banks of a river or bed of the river; and
 - (3) The bridge is not in prime wetlands, bogs, marshes, sand dunes, undisturbed tidal buffer zone or does not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00044 MATAROZZO, JOHN
ALTON Unnamed Wetland

Requested Action:

Dredge and fill 875 square feet of palustrine forested wetland including installation of a 15-inch x 50-foot culvert for a common access in a commercial subdivision.

APPROVE PERMIT:

Dredge and fill 875 square feet of palustrine forested wetland including installation of a 15-inch x 50-foot culvert for a common access in a commercial subdivision.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates dated December 2008, as received by the Department on January 12, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during periods of non-flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f); Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The proposed access is to be a common access for both lots within this subdivision.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00051 CUSTOM HOMES LLC, JASON DROUIN
BELMONT Unnamed Stream Wetland

Requested Action:

Dredge and fill 385 square feet of palustrine forested wetland including installation of a 18-inch x 24 foot culvert for a common access in to two proposed single family residential building lots.

APPROVE PERMIT:

Dredge and fill 385 square feet of palustrine forested wetland including installation of an 18-inch x 24 foot culvert for a common access in to two proposed single family residential building lots.

With Conditions:

1. All work shall be in accordance with plans by Harold E. Johnson Inc dated November 14, 2008, and revised through December 10, 2008 as received by the Department on January 13, 2009 and Narrative titled "Standard Erosion Control Measures and Construction Sequence" as received by the Department on January 13, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Work shall be done during periods of non-flow.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Silt fencing must be removed once the area is stabilized.

GOLD DREDGE

2009-00151 WONDOLOWSKI, DAVID
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2009-00168 BRAMBLETT, JOHN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2009-00169 SAWYER, JOHN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2009-00190 CARLE, CHARLES
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2009-00191 BOUCHER, REGINA
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2009-00192 BOUCHER, ALBERT
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

LAKES-SEASONAL DOCK NOTIF

2009-00167 WOETZEL, DAVID
CONCORD Turtletown Pond

COMPLETE NOTIFICATION:
Concord, NH Tax Map 119 Lot 3
Turtletown Pond

2009-00170 DRAPEAU, RICHARD
NEW DURHAM Merrymeeting Lake

COMPLETE NOTIFICATION:
New Durham, NH Tax Map 31 Lot 265
Merrymeeting Lake

CSPA PERMIT

2008-02320 ANDERSON, JOHN
ALTON Lake Winnepesaukee

Requested Action:

Impact 1,904 sq ft for the purpose of removing and rebuilding a damaged garage, constructing an addition onto an existing single family dwelling and installing a septic system.

APPROVE PERMIT:

Impact 1,904 sq ft for the purpose of removing and rebuilding a damaged garage, constructing an addition onto an existing single family dwelling and installing a septic system.

With Conditions:

1. All work shall be in accordance with plans by Thomas Varney dated February 3, 2009, and received by the Department of Environmental Services ("DES") on February 4, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no impacts to native vegetation associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No more than 26.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00005 GSR TRUST, THOMAS WALKER TRUSTEE
ALTON Lake Winnepesaukee

Requested Action:

Impact 6,775 sq ft for the purpose of constructing a single family dwelling with a driveway and cantilevered porch, and installing a septic system.

APPROVE PERMIT:

Impact 6,775 sq ft for the purpose of constructing a single family dwelling with a driveway and cantilevered porch, and installing a septic system.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders, Inc. dated December 9, 2008 and received by the Department of Environmental Services ("DES") on January 2, 2009.
2. This permit authorizes construction, excavation, and fill activities as they were found to meet the requirements of RSA 483-B. This permit in no way conveys any form of property rights to the permit holder.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Any impacts to wetlands associated with the completion of the proposed project will require a wetland permit under RSA 482-A.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No more than 19.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. The project as proposed will leave approximately 8,100 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,153sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. Whereas all deficiencies associated with the property located on Alton Tax Map 58 as Lot 5-19 as noted in the Letter of Deficiency (WET 06-061) have, based on inspection by the Department of Environmental Services personnel, been sufficiently addressed, and that Shoreland Permits issued under RSA 483-B do not convey property rights, property boundaries, or rights-of-way, the Department of Environmental Services(DES)Wetlands Bureau finds that issuing a Shoreland Permit according to plans by Beckwith Builders, Inc. dated December 9, 2008 and received by DES on January 2, 2009 is consistent with the provisions set forth under RSA 483-B.

2009-00023 SOUTHWORTH III, AUGUSTUS/SUSAN
ENFIELD Crystal Lake

Requested Action:

Impact 3,020 sq ft for the purpose of installing a state approved, 3 bedroom, septic system and removing 1,184 sq ft of gravel driveway.

APPROVE PERMIT:

Impact 3,020 sq ft for the purpose of installing a state approved, 3 bedroom, septic system and removing 1,184 sq ft of gravel driveway.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineering dated December 2008 and received by the Department of Environmental Services ("DES") on January 7, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas

to remain unaltered.

4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 26.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 3,020 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2, 228 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00068 POWELL, LINDA/SCOTT
MEREDITH Lake Wicwas

Requested Action:

Impact 4,640 sq ft for the purpose of constructing an addition onto the existing single family dwelling, a driveway, a garage and a deck. The addition and deck are to be constructed within an the footprint of the existing oversized foundation of the dwelling.

APPROVE PERMIT:

Impact 4,640 sq ft for the purpose of constructing an addition onto the existing single family dwelling, a driveway, a garage and a deck. The addition and deck are to be constructed within an the footprint of the existing oversized foundation of the dwelling.

With Conditions:

1. All work shall be in accordance with plans by Robert Reed revised January 29, 2009 and received by the Department of Environmental Services ("DES") on February 2, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 16.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 8,664 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,750 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00084 PALMER, FRANKLIN
BARRINGTON Nippo Pond

Requested Action:

Impact 2,205 sq ft for the purpose of repairing the foundation of a pre-existing, non-conforming, primary structure with no expansion to existing footprint, removing a portion of the existing gravel driveway, and installing a new septic system.

APPROVE PERMIT:

Impact 2,205 sq ft for the purpose of repairing the foundation of a pre-existing, non-conforming, primary structure with no expansion to existing footprint, removing a portion of the existing gravel driveway, and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Franklin Palmer and Randy Orvis dated December 11, 2008 and received by the Department of Environmental Services ("DES") on January 16, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 19.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 3,564 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,442 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.